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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,035	02/02/2006	Clive Alan Brown	20860/09001	6767
27530 7590 05/09/2007 NELSON MULLINS RILEY & SCARBOROUGH, LLP 1320 MAIN STREET, 17TH FLOOR COLUMBIA, SC 29201			EXAMINER CYGAN, MICHAEL T	
			ART UNIT 2855	PAPER NUMBER
			MAIL DATE 05/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/532,035	Applicant(s) BROWN, CLIVE ALAN	
	Examiner Michael Cygan	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 6 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

In response to applicant's telephone inquiry regarding the last Office action, the following corrective action is taken: the previous action is withdrawn and the present action is substituted therefor.

The period for reply of 3 MONTHS set in said Office Action is restarted to begin with the mailing date of this letter.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7, 9, 13, 14, 16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier (US 5,671,158) in view of JP 08331766 and in view of McLeod (US 2002/0004694 A1). Fournier teaches a device for testing the exhaust emissions of an internal combustion engine [12] comprising a base station [14], an exhaust gas sensor [20], hand portable display device [22] having data input terminal means [24], wireless radio transmission [17], remote power source [30], gas analyzer [20] providing test results to the computer memory (column 5 lines 39-43). Gas sensor 20 is plugged into base station [14] by a port on the front panel of the base station that facilitates transfer of data; see Figure 3. See entire document.

Fournier teaches the claimed invention except for a display docking port adapted to orient the display, and for a wireless connection and a docking port for the exhaust gas sensor.

JP 08331766 teaches a docking port for a helmet for recharging the helmet batteries (Figure 1 and Derwent abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an orienting docking port as taught by JP 08331766 in the invention taught by Fournier to recharge the helmet by orienting the helmet/display in the shown position, since this would allow recharging of the DC batteries in the helmet.

McLeod teaches a wireless connection (paras 175-178) for a modular gas sensor [16] (paras 156-158) having a docking port connection (paras 162,164) to a base station [60]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a wireless connection and docking port as taught by McLeod in the invention taught by Fournier to connect the gas sensor, since such features provide advanced mobility and ease of use for the operator by eliminating dangerous and space-limiting wiring.

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier (US 5,671,158) in view of JP 9-251328 and in view of McLeod (US 2002/0004694 A1), further in view of Vojtisek-Lom (US 6,435,019 B1). Fournier teaches the claimed invention except for the use of an engine speed sensor and an oil temperature probe wirelessly connected to the display device. Vojtisek-Lom teaches an

exhaust sensor system having an oil temperature sensor [29] and an engine speed sensor [18], where the sensor results are sent to a computer (column 4 lines 11-31 and 63-65; column 5 line 58 through column 6 line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use engine speed sensor and an oil temperature probe as taught by Vojtisek-Lom in the invention taught by Fournier to gather additional sense data to be sent wirelessly to the operator display, since this would provide the operator with more useful data about auto operation.

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier (US 5,671,158) in view of JP 9-251328 and in view of McLeod (US 2002/0004694 A1), further in view of Winchell (US 2002/0118657 A1). Fournier teaches the claimed invention except for a printer included in the base station. Winchell teaches a base station for communicating with peripheral and wireless devices, in which a printer [74] is included in the base station; see Figures 1 and 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a printer as taught by Winchell in the invention taught by Fournier, since printers have well known usefulness in printing out hard copies for storage and customer records.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier (US 5,671,158) in view of JP 9-251328 and in view of McLeod (US 2002/0004694 A1), further in view of Doyle (US 2003/0159044 A1). Fournier teaches the claimed invention except for the use of a smart card reader. Doyle teaches the use of a smart card reader

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[430] for ensuring the security of a station. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a smart card reader as taught by Doyle in the invention taught by Fournier, since this would limit unauthorized access to privileged information.

### ***Allowable Subject Matter***

Claims 6 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, since the prior art neither discloses nor fairly teaches a docking port including a heater capable of maintaining a sensor at a desired temperature in combination with the other positively recited elements of the claims.

### ***Response to Arguments***

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection. With respect to applicant's argument of a wired connection, the helmet of Fournier operates in a totally wireless fashion.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

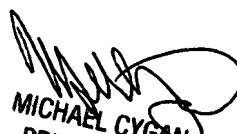
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cygan whose telephone number is (571) 272-2175. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MICHAEL CYGAN, PH.D.  
PRIMARY EXAMINER